

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application Serial No. 10/781,586
Filing Date 2/17/2004
Confirmation No. 3412
5 Applicant..... Microsoft Corporation
Inventorship Jonathan E. Rivers-Moore
Group Art Unit..... 2178
Examiner HUYNH, THU V
Attorney's Docket No. MS-306941.01
10 Title: Systems and Methods for Editing XML Documents

RESPONSE TO EXAMINER INTIATIED INTERVIEW DATED 4/8/08 AND
SUPPLEMENTAL RESPONSE TO OFFICE ACTION DATED 1/9/08

15 To: Honorable Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450
20 From: Daniel T. McGinnity (Tel. 509-755-7257; Fax 509-755-7252)
Sadler, Breen, Morasch & Colby, p.s.
422 W. Riverside Avenue, Suite 424
Spokane, WA 99201
25 **Customer No. 69316**

This communication is responsive to the Examiner Initiated Interview dated
4/8/08.
30 **Remarks** begin on p. 2 of this paper.

35

Sadler
Breen
Morasch
Colby

REMARKS

Claims 18, 21-34, 36-44, and 50 remain in the application for consideration.

5 **Statement of Substance of Examiner Interview dated 4/8/2008**

Applicant would like to sincerely thank Examiner Thu V. Huynh for initiating an informal telephone interview with Applicant's attorney Daniel T. McGinnity on 4/8/08 to discuss this application.

In the Office Action dated 1/9/2008, claims 18, 21, 24, 27-30, 36-41, 44, 10 and 50 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 7,168,035 ("Bell") in view of U.S. Patent Publication No. 2004/0268229 ("Paoli"). Claims 22-23, 31-34, and 42 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Bell in view of Paoli and in further in view of U.S. Patent Publication No. 2003/0018668 ("Britton").

15 During this interview, the §103 rejections based on Bell and Paoli were discussed. Examiner Thu V. Huynh agreed that the cited references Bell and Paoli may be disqualified under 35 U.S.C. §103(c). However, Examiner Thu V. Huynh asserted that the language used to disqualify Bell and Paoli in the Response dated 2/15/08 was insufficient. The Examiner indicated that the Application was 20 otherwise in condition for allowance.

The Examiner suggested adding "at the time the claimed invention was made" at the end of the disqualifying statement. Applicant believes that such a

change is not necessary. For instance, this language is included in the description of §103(c) in the paragraph of the Response dated 2/15/08 discussing the disqualification of Bell and Paoli. Thus, taken as a whole the paragraph as submitted effectively disqualifies the Bell and Paoli references under §103(c).

5 However, in the interest of expediting allowance and without conceding that the language of the statement in the Response filed 2/15/08 is deficient, the following statement is made on the record herein to adopt the Examiner's suggestions:

10 The Applicant asserts that Bell and Paoli are disqualified as prior art references against the subject application under 35 U.S.C. §103(c)(1) as being commonly owned by, or subject to an obligation of assignment to, Microsoft Corporation, the assignee of the subject application, at the time the claimed invention was made.

15 Accordingly, Bell and Paoli are disqualified as prior art and withdrawal of the rejections is respectfully requested.

Conclusion

The Application is in condition for allowance and the Applicant respectfully requests reconsideration and issuance of the present application. Should any issue remain that prevents immediate issuance of the application, the
5 Examiner is requested to contact the undersigned attorney to discuss the unresolved issue.

Respectfully submitted,

10

Date: 4/14/2008

By: /Daniel T. McGinnity, #55444/
Daniel T. McGinnity
Reg. No. 55444
Attorney for Applicant